

General Council Activities

Status

The WTO General Council is the highest decision-making body in the WTO that meets on a regular basis during the year. It exercises all of the authority of the Ministerial Conference, which is required to meet once every two years. The General Council and Ministerial Conference consist of representatives of all WTO Members. Three major bodies report directly to the General Council: the Council for Trade in Goods, the Council for Trade in Services, and the Council for Trade-Related Aspects of Intellectual Property Rights. All subsidiary bodies report through this hierarchy; the Committee on Trade and Environment, the Committee on Trade and Development, the Committee on Balance of Payments Restrictions, the Committee on Budget, Finance and Administration, and the Committee on Regional Trading Arrangements report directly to the General Council. The Working Groups established at the First Ministerial Conference in Singapore to examine investment, trade and competition policy, and transparency in government procurement also report directly to the General Council. Ambassador Ali Said Mchumo of Tanzania served as Chairman of the General Council in 1999.

Assessment of the First Five Years of Operation

The General Council has successfully fulfilled the role envisioned when the WTO was created in 1995. It follows the pattern of the GATT Council – conducting the regular business of the WTO between meetings of the Ministerial Conference. Only the Ministerial Conference and the General Council are permitted to adopt authoritative interpretations of the WTO Agreements, submit amendments to the Agreements for consideration by Members, and to grant waivers of obligations. All accessions to the WTO must be approved by the General Council or the Ministerial Conference. Technically, meetings of both the Dispute Settlement Body and the Trade Policy Review Body (TPRB) are meetings of the General Council convened for the purpose of discharging the responsibilities of the DSB and TPRB.

The General Council has a heavy responsibility in following the work of the WTO, monitoring compliance and in the management of the institution, including the Secretariat. Over the past five years the General Council has served as the focal point of activity in the WTO, from dispensing with hundreds of regular business items to addressing the most difficult, complex and contentious issues confronting the WTO. The Chairman of the General Council, who serves an annual term and is selected from the WTO Membership, plays an important role in working with the Director-General and Secretariat in managing the day-to-day work of WTO and addressing issues of concern to Members. The work of the General Council, in many cases, is all the more important because the WTO is a new organization and many rules and policies are new or must be developed.

The General Council is the body, beyond all others, that is most representative of the views of the 135 Members of the WTO. It attracts the highest level of attention and participation of WTO Members, and meetings are attended by Heads of Delegation, generally senior trade policy officials at the level of Ambassador. To the extent that there is disagreement within the membership on a particular issue, it will be reflected in the work of the General Council and resolved by the Chairman in consultation with the Membership. The General Council has worked effectively in achieving consensus on many issues ranging from making the WTO operational in 1995 to facilitating the entrance of new Members to providing a forum for all Members to be heard.

Major Issues in 1999

The General Council met 18 times during 1999 in regular session and seven times in special session, focusing on preparations for the third Ministerial Conference discussed earlier in this chapter.

Accessions: The General Council approves the terms of accession of Members when negotiations are complete. In 1999, the General Council approved the accession of Estonia, Georgia and Jordan. Estonia became a Member of the WTO on November 13, 1999, after depositing its instrument of ratification. Domestic ratification of the terms of accession for Jordan and Georgia are expected early in 2000. Additional details are discussed below in the section “Accession to the World Trade Organization.”

Waivers of Obligations: As part of the annual review required by Article IX of the WTO Agreement, the General Council considered reports on the operation of a number of previously agreed waivers and decided by consensus to extend the waivers for specified periods. The Council agreed to extend three such waivers applicable to the United States concerning the Caribbean Basin Economic Recovery Act, the Andean Trade Preferences Act, and preferences for the Former Trust Territories of the Pacific Islands. (Annex II contains the list of waivers currently in force.) The General Council also approved two new waivers. One waiver allows developing countries to extend tariff preferences to least-developed countries without providing those preferences to other WTO Members. Developed countries, including the United States, generally provide preferential market access for least developed countries through their respective GSP programs. A waiver allowing Peru an additional three months to implement its obligations under the Agreement on Customs Valuation was also approved.

Review of Procedures for Circulation and Derestriction of WTO Documents: In 1996, the General Council adopted a decision on procedures for the circulation and derestriction of WTO documents which was designed to reduce the number of documents withheld from the public and to speed the circulation of WTO-origin information both to Members and to the public at large. The 1996 decision called for a review in 1998 and, beginning with the February 1998 meeting of the General Council, the United States introduced proposals designed to further the dissemination of WTO documents to the public. A proposal put forth by the U.S. delegation in the course of 1998 urged Members to agree to make unrestricted information on the outcome of dispute settlement panel proceedings available on a more expedited basis after dispute settlement rulings are made. Although the various proposals put forth by the United States and others enjoy a wide degree of support among WTO Members, the General Council was not able to reach a consensus on modifications to the 1996 decision. Discussions of these issues continued throughout 1999 without resolution. Debate on the dispute settlement documents also took place in the DSU Review.

Selection of the Next Director-General and Senior Management Team: The General Council, in the person of its chairman, oversaw the consultations for selection of a new Director-General and senior management team. The previous Director-General, Renato Ruggiero, retired in April 1999. At the same time, the terms of the four serving Deputies Director-General expired and these officials left the organization. After intensive consultations among Members, on July 22 a consensus was reached to appoint Mr. Mike Moore of New Zealand as Director-General. Mr. Moore will serve a three year term, from September 1, 1999 to August 31, 2002. He will be succeeded by Dr. Supachai Panitchpakdi of Thailand, who will serve from September 1, 2002 to August 31, 2005.

At the October 6 meeting, following the appointment of the Director-General, the General Council agreed that a review of the WTO Secretariat and senior management structure would be carried out in conjunction with the review of the current Rules and Procedures for appointment of Directors-General, to be concluded by the end of September 2000.

After consulting with WTO Members, on November 3, Director-General Moore announced the selection of four Deputies Director-General: Mr. Ablasse Ouedraogo of Burkina Faso, Mr. Miguel Rodriguez Mendoza

of Venezuela, Mr. Paul-Henri Ravier of France, and Mr. Andrew Stoler of the United States. The terms of service are until September 30, 2002.

Work for 2000

In addition to its regular responsibility of overseeing the work of the WTO, a significant focus of the Council will be devoted to follow-up activities from the 3rd Ministerial Conference, including the work on mandated negotiations in agriculture and services; developing a consensus on a broader negotiating agenda; implementation issues; transparency related issues (the internal operation of the WTO as well as outreach to civil society); and the program of action for least-developed countries and technical cooperation issues. The Council will be the venue for decisions to be taken on the expansion of negotiations or the preparation of decisions on a launch of a new Round.

The Council will continue to oversee work on revisions to the 1996 Decision on Circulation and Derestriction Procedures and oversight of the work program on electronic commerce will also feature importantly in the work of the Council, as will the likely consideration of potential new Members' accession protocols. Early in 2000, the Council will be expected to consider the mandates of the working groups on investment, competition policy, and transparency in government procurement that were established at the Singapore Ministerial meeting, and how work in these areas should proceed.